

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**ANITA MEDINA,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 4:04CV236-P-B**

**MIMS OIL COMPANY, INC.,**

**DEFENDANT.**

**ORDER**

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) Defendant's Motion to Dismiss [6-1] is hereby **GRANTED IN PART AND DENIED IN PART**; specifically,

(2) The motion to dismiss is granted insofar as the plaintiff fails to state a claim for wrongful termination and negligent infliction of emotional distress; thus,

(3) The plaintiff's claims for wrongful termination and negligent infliction of emotional distress are **DISMISSED WITH PREJUDICE**; and

(4) The motion to dismiss is denied in regard to the plaintiff's claims of intentional infliction of emotional distress and violations of the American with Disabilities Act.

**SO ORDERED** this the 8<sup>th</sup> day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE